

OGC 75-0852

7 March 1975

MEMORANDUM FOR: Associate Deputy Director for Administration
Attn: Director of Communications
Director of Logistics
Associate Deputy Director for Science &
Technology

SUBJECT: Preservation of Records: United States v.
American Telephone and Telegraph, et al.

1. In connection with the subject civil antitrust action, American Telephone and Telegraph (AT&T), Western Electric Company, Inc., and Bell Telephone Laboratories, Inc. (hereinafter the defendants) have made an extensive request for production of documents by numerous agencies of the United States Government. The Antitrust Division, Department of Justice (DOJ) is contesting the request on the grounds that it is vague, overly broad, and unduly burdensome, and because, in DOJ's opinion, it was made under the wrong rule of discovery.

2. While these issues are being settled, the Federal District Court for the District of Columbia has ordered that the agencies subject to the request for production "retain and secure from destruction until further Order of this Court all documents specified in and responsive to Defendants' First Request for Production of Documents." Although the request designates a nonexistent Office of Deputy Director for Communications as the office of interest within CIA, the Agency must in good faith assure that those offices which do have documents subject to the request take steps to retain and preserve them.

3. In order to assist you in identifying the documents encompassed within AT&T's request for production (and thus subject to the court's order for preservation), I am enclosing a copy of that request. A description of the kinds of documents requested is listed at paragraph A1-48. In addition,

paragraph B1-39 requests documents related to specific paragraphs of the complaint which DOJ filed against the defendants. A copy of the complaint is also attached. The following are examples of the kinds of documents which must be retained:

- a. all documents pertaining to any contractual or other relationships with the defendants for telecommunications services
- b. all documents pertaining to contractual relationships with companies other than defendants for the kinds of goods and services (including reserach and development) which are provided by the defendants.

4. If I may be of assistance or answer any questions, contact me on
Extension

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Office of General Counsel

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Att

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